

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #101**

<b>Policy Title: BOARD HEARINGS - GUIDELINES</b>	<b>Draft Date: January 27, 2014</b>	<b>Policy #101</b>
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**PURPOSE:**

The purpose of this policy and procedure is to establish guidelines for conducting AZBOEC hearings.

**POLICY:**

The Arizona Board of Executive Clemency is an executive branch of government that promotes professionalism at all times. Therefore the following guidelines were developed to assist Board members in maintaining a high level of personal and professional integrity before, during and after hearings.

**AUTHORITY:**

**A.R.S. §§31-401; 402; 403**

**Procedure:**

Board Member Responsibilities shall:

- Be cognizant of the “Open Meeting” law at all times. No work related conversation when there is a quorum.
- Notify the Board Chairman at least 48 hours in advance if you plan on being absent for all or part of the day.
- Come prepared and knowledgeable regarding every matter before the Board that day.
- Perform all tasks and duties promptly and efficiently. Letters drafted to the Governor shall be completed within 5 working days after the hearing and forwarded to the Chairman. Letters for “Imminent Danger of Death” shall be drafted and submitted to the Chairman within 48 hours of the hearing.
- Actively participate in training provided by, or at the request of the Board Chairman, and otherwise pursue the enhancement of their professional competence and knowledge individually and collegially, recognizing that knowledge about release decision-making is constantly evolving.
- The Board strives to project professionalism. Business casual attire is permitted during the summer and fall months. Regular business attire shall be worn during the winter months or when the legislature is in session.
- Arrive to the hearing room at least 5-10 minutes before the start of the hearings. Hearings will begin at

8:30 a.m. barring any unusual circumstances.

- Turn off your cell phone prior to the start of the hearings. If you are expecting an urgent call, then set your phone to vibrate and excuse yourself from the meeting if the call comes in.
- No solid food is permitted in the hearing room but drinks are allowed. A break room is provided for lunch.
- iPads and computers are permitted in the hearing room.

### **General Conduct:**

- Members shall make their decisions independently, fairly, objectively, impartially and without bias. However, a member's duty goes beyond ensuring there is no actual bias. When dealing with any person with an interest before the Board, members must conduct themselves in a manner that will not give rise to an appearance of unfairness, partiality or bias.
- Members shall be aware of and abide by all legal authority governing confidential information acquired by reason of the Board position.
- While recognizing that there will be circumstances when information or statements must be tested or challenged, members shall always avoid:
  - words, phrases and actions that could be understood to manifest bias or prejudice based on race, national origin, gender, religion, sexual orientation, or other personal abilities, characteristics or beliefs; and,
  - statements or questions that would be demeaning to any person or that would manifest bias or prejudice for or against an individual or group.
- Members will seek to contribute to the overall effective and efficient administration of the Board as an agency of state government and an active partner in the administration of criminal justice. Members shall respect and support the administrative and management authority and responsibilities of the Chairperson.
- Members having differing opinions should discuss those differences openly during discussion but members should not chastise another member's positional statement when they provide an explanation of their vote.

### **Hearing Conduct:**

- In all proceeding each member will conduct themselves in a manner that is courteous, patient, fair and respectful to all participants and observers, their language, customs, rights, opinions, and beliefs, while ensuring that the proceedings are orderly and efficient.
- A member will always be in a "listening mode" by listening attentively and taking notes.
- Do not call offenders by their first name. Maintain a professional, businesslike environment at all times. Refer to all offenders as Mr. or Ms.
- Do not talk over one another during hearings. If you have a question or comment, raise your hand to call attention to the Panel Chair and wait to be acknowledged by the Chair.
- No sidebar conversations during hearings.

- All hearings are recorded. Be aware that any tapping of a pen on the table, making audible noises with your mouth, or rustling papers interferes with the recording.
- If you must step out once a hearing has begun, upon return please refrain from further participation until the next hearing.
- Be aware that any private conversations you conduct with a visitor pre- and post -hearing will be construed as being impartial.
- A Board member shall recuse themselves from any hearing when they feel they could be unduly influenced by a hearing participant. The impartiality of the Board must override any consideration which could place the independent decision of any Board member in doubt.
- Board members should refrain from talking with any person immediately after a hearing except other board members or the Board's legal counsel.
- Board members should refrain from offering advice to anyone regarding upcoming hearings or what a person should provide to the board at a hearing.

### **Panel Chair Guidelines:**

A Panel Chairman is defined as a board member who is assigned by the Chairman of the Board to preside over Board hearings on a specific day. Any Board member may be designated to be the Panel Chairman even if the Chairman of the Board is present for hearings. The Panel Chairman position shall be rotated among the Board members. The Panel Chairman's responsibilities include:

- Arrive in the board room at least 10 minutes prior to the start of hearings in order to organize hearing paperwork.
- When appropriate, the Panel Chair and members should designate an approximate time for lunch break (usually between 11:00 a.m. – 12:30 p.m.). Lunch breaks shall be no longer than one hour in length.
- Begin each meeting no earlier than the posted meeting time. Always record an introduction announcing the date, location of meeting, members present, facilities visited (if other than the Board's regular location), types of hearings to be conducted that day, the name of the ADC Representative and the Board's commencement time.
- Prior to each hearing, remind visitors to turn all cell phones off and to please remove children from the board room if they cannot remain quiet. Inform visitors that any interruptions or outbursts could result in their removal from the room.
- Be cognizant of hearing times and fairness to others waiting for upcoming hearings. The effectiveness of a hearing should not be based on length or number of visitors. Advise visitors:
  - They will be allowed to speak within a reasonable amount of time as long as they do not repeat themselves or other visitor testimony, and remain on topic.
  - They may also be asked to conclude their testimony if the Chair believes the message is clearly understood and no further testimony is necessary.

- Panel Chairs may rotate revocation hearings among other board members.
- Do not allow interruption of board member discussion or visitor testimony. Each visitor shall fully complete their statements before any questioning begins.
- Remind offenders that this is a professional environment and that offensive language, personal reference or conversations to a board member and any other derogatory comments are unacceptable. The Panel Chair may determine the offender's removal from the remaining portion of the hearing.
- Meetings should have a bathroom break at least once every two hours.
- Maintain control of the hearing.
- Fully record and complete all hearing documents.
- Announce the decision of the Board clearly including supplemental requirements ordered by the Board.
- Remain cognizant that some decisions may require a final determination of action by the Board Chairman.

**Implementation:**

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.